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November 18, 2009

VIA ECF

Honorable Chief Magistrate Judge Steven Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Johnson & Johnson, et al. v. South Pointe Wholesale, et al.*
Case No. : 08 Civ. 1297 (SLT)(SMG)
Our File No. : 11361.00001

Dear Magistrate Judge Gold:

On behalf of Dennis Cantor and Novex America Inc. d/b/a Novex International (“Defendants”), we write to request the Court’s permission to submit this letter in response to Johnson & Johnson’s and Lifescan, Inc.’s (“Plaintiffs”) November 13, 2009 letter regarding documents seized from Defendants.

As an initial matter, Defendants object to the late reply filed by Plaintiffs, which, pursuant to Local Civil Rule 37.3, should have been filed within 3 days of Defendants’ letter. As Defendants’ letter was filed on November 4, 2009 (Docket Entry 459), Plaintiffs letter of November 13, 2009 is untimely.

Leaving aside the un-timeliness of their response, Defendants will address the substance of Plaintiffs’ letter. Defendants identified documents seized by Plaintiffs that are outside the scope of the Seizure Order, and asked that they be returned or destroyed. Plaintiffs now ask to retain a portion of the identified documents, claiming that your Honor ruled on their relevancy or that they are otherwise relevant to this case. The issue, however, is not the relevancy of the documents identified by Plaintiffs but the manner in which they were obtained.

Plaintiffs had no right to retain these documents under the Seizure Order. If Plaintiffs now want possession of them, they should be required to make ordinary discovery demands. This would provide Defendants the opportunity to object to demands where appropriate and to provide Plaintiffs with redacted materials to limit the disclosure of trade secrets and non-responsive information.

Plaintiffs do not dispute that the majority of the documents identified for destruction are outside the scope of the Seizure Order. Plaintiffs, however, identify 1,953 of such documents that

they claim they are entitled to retain. Upon review of these documents, Defendants have not identified any that they believe are clearly within the scope of the Seizure Order.

Within in these 1,953 pages, Plaintiffs' have identified 674 pages of Defendants' bank records and ledgers as being within the scope of the Seizure Order. These records are not within said scope. However, to the extent that small selections of these pages memorialize other records that are within the scope of the Seizure Order, Defendants are willing to reconsider the status of such select pages. Thus, Defendants will await Plaintiffs' complete review of the seized materials with the expectation that the number of ledger and bank records pages identified for retention will be substantially smaller than those identified in Plaintiffs' current exhibit. At that time, Defendants will review these materials to ensure Plaintiffs' compliance with the Seizure Order. Attached to this letter as **Exhibit A** is a modified Proposed Order, altering the listing of documents identified for immediate return or destruction to omit these materials pending Plaintiffs' comprehensive review.

The other 1,306 pages identified by Plaintiffs are clearly not within the scope of the Seizure Order. A chart detailing the documents Plaintiffs wish to retain that are outside the scope of the Seizure Order, and their general contents, is attached to this letter as **Exhibit B**. As the Court will note, included in the documents Plaintiffs wish to retain are, once again, over 150 pages of medical records relating to Mr. Cantor and his family members, including his minor children. The inclusion of these materials suggests to Defendants that Plaintiffs have not conducted a serious review of Defendants' materials. Not only do Defendants expect the destruction or return of these approximately 150 pages, but expect that Plaintiffs' upcoming review and disclosure will be performed with greater care for detail.

Plaintiffs make three specific requests in their recent letter. They first ask that Defendants provide them with redacted "divider" pages to place in their records. Defendants will provide such pages, and expect to receive written confirmation thereafter that all non-redacted copies of these divider pages in Plaintiffs' possessions have been returned to Defendants or destroyed.

Plaintiffs next ask to retain documents this Court allegedly ruled are relevant during Defendants' deposition. Plaintiffs attach a portion of this case's docket allegedly showing the Court's Order ruling that these documents are relevant; however, this Order states no such thing. The Court's Order of September 25, 2009, related to the relevancy of oral questions posed during Defendants' deposition – it did not relate the relevancy of any specific documents. The documents Plaintiffs refer to are outside the scope of the Seizure Order, and to the extent they desire possession of such documents, they should be required to make an ordinary discovery demand requesting them.

Finally, Plaintiffs ask permission to retain a catalog of materials previously identified by Defendants as being outside the scope of the Seizure Order. Plaintiffs claim that the identified documents relate to "the timing and the flow of money in and out of Novex." Even if all of the identified documents were "relevant" to this case under Rule 26 – which they are not – such relevancy is not the same as being within the scope of the Seizure Order. As detailed above, many of the documents in Plaintiffs' catalog are outside the scope of said Order, and such documents should be returned to Defendants or destroyed.

As to the requested treatment of the computer drives seized from Defendants, Plaintiffs have offered to return these drives with the understanding that any future discovery requests made by Plaintiffs will include a search of these drives. Defendants are willing to agree to these

terms. Upon receipt of the imaged hard-drives from Plaintiffs, and written confirmation that all copies of said hard drives and the materials contained thereon have been returned or destroyed by Plaintiffs, Defendants will preserve a copy of said hard drive until the closure of all civil and criminal cases regarding the goods identified in the Sixth Amended Complaint.

At this juncture, Defendants request that the Court require Plaintiffs to comply with the Seizure Order and this Court's prior Order, by deleting the documents identified by Defendants as being outside the scope of the Seizure Order within 5 days, and by completing Plaintiffs' independent review of the seized materials for compliance with the Seizure Order by November 23, 2009. A Modified Proposed Order to this effect is attached hereto as **Exhibit A**. Changes to the original Proposed Order have been made to more comprehensively address the issues presented. To the extent that Plaintiffs would like to seek discovery related to any of the materials directed for destruction, they should be free to do so through the ordinary discovery process, with Defendants retaining their right to object to disclosure.

Thank you in advance for your attention and anticipated cooperation with respect to this request. If you would like further information, or would like to schedule a conference to discuss this issue, please let us know.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Adam R. Bialek

cc: Geoffrey Potter, Esq.
Patterson Belknap Webb & Tyler, LLP
Attorneys for Plaintiffs (via e-mail)

All Counsel of Record (via ECF)

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHNSON & JOHNSON AND LIFESCAN, INC.

Plaintiffs,

- against -

SOUTH POINTE WHOLESALE, INC., ET AL.,

Defendants.

Case No.: 08 Civ. 1297 (SLT)(SMG)

[MODIFIED PROPOSED] ORDER

[MODIFIED PROPOSED] ORDER

Upon consideration of Defendants Dennis Cantor's and Novex America Inc. d/b/a Novex International's ("Defendants") request, IT IS HEREBY ORDERED:

1. That within 5 days of the entry of this Order, all parties to this action in possession of material seized from Defendants' premises on April 14, 2008, marked as Bates Numbers NOV000001 through NOV040460 or consisting of imaged computer drives seized from Defendants, shall return to Defendants or permanently delete or destroy all copies of said the documents or computer files designated in the attached **Exhibit 1**, whether electronic or paper, and provide Defendants with written confirmation that the identified files and any copies thereof (including hard copies of files) have been deleted and/or destroyed.

2. Plaintiffs Johnson & Johnson and Lifescan, Inc. ("Plaintiffs") must complete their review of the materials seized from Defendants by November 23, 2009, by providing Defendants with a copy of all materials originally seized from Defendants that are within the scope of the Seizure Order, returning or permanently deleting all copies of the materials that are not included in such copy that are in Plaintiffs' possession, and providing Defendants with written confirmation that such materials have been so treated, and that Plaintiffs have not retained any materials not identified as within the scope of the Seizure Order.

3. Defendants may submit the listing, and/or any amended or modified version thereof, to the Court to be designated as identifying materials outside the scope of the Seizure Order to be treated in accordance with this Order.

4. To the extent that, after receipt of Plaintiffs' listing of materials that have been deleted or returned in accordance with this Order, Defendants believe that Plaintiffs have maintained seized materials that were outside the scope of the Seizure Order, Plaintiffs and Defendants shall conduct a meet and confer and attempt to resolve such disagreement. Should Plaintiffs and Defendants fail to resolve such disagreement during said meet and confer, the parties may seek Court intervention.

5. Parties in this action that wish may serve discovery requests on Defendants that may include materials identified in Exhibit 1, subject to Defendants' right to object to said discovery requests on any valid basis.

Entered this __th day of November, 2009.

UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

Hard Document Index

The following documents, identified by Bates number range, are outside the scope of the Seizure Order, and shall be returned to Defendant or destroyed, in accordance with the covering Order.

<i>Start</i> <i>NOV00</i>	<i>End</i> <i>NOV00</i>	<i>Category</i>	<i>Description</i>
2102		Mother	Evelyn S. Cantor Trust
2176		Novex	Banking Online Payment Summary
2399		Personal	Correspondence
2479		Mother	Evelyn S. Cantor Trust
2484		Personal	Dennis & Rita Cantor Living Trust
2619		Personal	Banking
2762		Novex	Defined Benefit Pension Plan
2879		Personal	Correspondence
3142		Personal	Correspondence
3600	4000	Personal	Home Renovation
4559	5070	Novex	Defined Benefit Pension Plan
5071	5356	Novex	Payroll
5518	6000	Novex	Defined Benefit Pension Plan
6001	6886	Novex	Defined Benefit Pension Plan
7376		Personal	Dennis & Rita Cantor Living Trust
7382		Personal	Dennis & Rita Cantor Living Trust
7794		Personal	Medical
7922		Novex	Tax Return
7929		Novex	Tax Return
7960		Personal	Dennis & Rita Cantor Living Trust
8073		Personal	Dennis & Rita Cantor Living Trust
8078		Personal	Dennis & Rita Cantor Living Trust
8084		Personal	Dennis & Rita Cantor Living Trust
8091		Novex	Defined Benefit Pension Plan
8415		Personal	Life Insurance
8421		Personal	Life Insurance
8424		Personal	Life Insurance
8442		Novex	Defined Benefit Pension Plan
8446		Personal	Life Insurance
8459		Personal	Life Insurance
8465		Personal	Life Insurance
8471		Personal	Life Insurance
8477		Personal	Life Insurance
8484		Personal	Life Insurance
8490		Personal	Life Insurance
8512		Personal	Banking
8558		Novex	Defined Benefit Pension Plan
9106		Personal	Dennis & Rita Cantor Living Trust
9289		Personal	Correspondence
9358		Personal	Correspondence
9366		Personal	Correspondence
9373		Personal	Correspondence
9471		Personal	Life Insurance
9816		Personal	Life Insurance

9886	Personal	Correspondence
9978	Personal	Dennis & Rita Cantor Living Trust
9983	Personal	Dennis & Rita Cantor Living Trust
10167	10633 Novex	Receipts
11244	Personal	Rental Lease
11249	Personal	Rental Lease
11381	Personal	Correspondence
11578	Mother	Evelyn S. Cantor Trust
11580	Mother	Evelyn S. Cantor Trust
11582	Mother	Evelyn S. Cantor Trust
11591	Personal	Home Renovation
11598	Personal	Home Renovation
11599	Personal	Home Renovation
11745	Novex	American Express Statement
11848	Novex	Tax Return
12057	Novex	Defined Benefit Pension Plan
12099	Personal	Household Expenses
12867	Personal	Medical
13263	Personal	Home Renovation
13805	Novex	Payroll
14064	Novex	Defined Benefit Pension Plan
14165	Personal	Life Insurance
14216	Personal	Life Insurance
14245	Novex	Defined Benefit Pension Plan
14432	Personal	Life Insurance
14437	Personal	Life Insurance
14445	Personal	Life Insurance
15125	Novex	American Express Statement
15330	Personal	Dennis & Rita Cantor Living Trust
15333	Personal	Dennis & Rita Cantor Living Trust
15506	Personal	Dennis & Rita Cantor Living Trust
15510	Personal	Dennis & Rita Cantor Living Trust
15943	Personal	Dennis & Rita Cantor Living Trust
15951	Personal	Dennis & Rita Cantor Living Trust
16094	Personal	Medical
16104	Personal	Medical
16549	Personal	Dennis & Rita Cantor Living Trust
16554	Personal	Dennis & Rita Cantor Living Trust
16557	Personal	Dennis & Rita Cantor Living Trust
16595	Novex	Defined Benefit Pension Plan
16642	Personal	VISA Statement
16661	Personal	Tax Return
16665	Personal	Tax Return
16667	Personal	Tax Return
16841	Personal	Dennis & Rita Cantor Living Trust
16847	Personal	Dennis & Rita Cantor Living Trust
16858	Personal	Dennis & Rita Cantor Living Trust
16897	Personal	Life Insurance
16903	Novex	Defined Benefit Pension Plan
16909	Novex	Defined Benefit Pension Plan
16979	Personal	Dennis & Rita Cantor Living Trust
16985	Personal	Dennis & Rita Cantor Living Trust
16987	Personal	Dennis & Rita Cantor Living Trust

17094		Personal	Dennis & Rita Cantor Living Trust
17100		Personal	Dennis & Rita Cantor Living Trust
17108		Personal	Dennis & Rita Cantor Living Trust
17228		Personal	Life Insurance
17234		Personal	Life Insurance
17337		Personal	Home Renovation
17767		Personal	Dennis & Rita Cantor Living Trust
17778		Personal	Dennis & Rita Cantor Living Trust
17951		Personal	Correspondence
18180		Personal	Dennis & Rita Cantor Living Trust
18185		Personal	Dennis & Rita Cantor Living Trust
18197		Personal	Dennis & Rita Cantor Living Trust
18205		Personal	Auto Title
18288		Personal	Dennis & Rita Cantor Living Trust
18294		Personal	Dennis & Rita Cantor Living Trust
18302		Personal	Dennis & Rita Cantor Living Trust
18376		Personal	Correspondence
18384		Personal	Correspondence
18385		Personal	Correspondence
18440		Novex	Defined Benefit Pension Plan
18445		Personal	Life Insurance
18472		Personal	Life Insurance
18477		Personal	Life Insurance
18528		Novex	Receipts
19488		Novex	Defined Benefit Pension Plan
19608		Personal	Photos of my home
19637		Personal	Trailer for sale
19656		Personal	Trailer for sale
19974		Personal	Trailer for sale
19981		Personal	Dennis & Rita Cantor Living Trust
19991		Personal	Dennis & Rita Cantor Living Trust
20227		Personal	Dennis & Rita Cantor Living Trust
20237		Personal	Correspondence
20354		Mother	Evelyn S. Cantor Trust
20499		Personal	Life Insurance
20504		Personal	Life Insurance
20510		Personal	Life Insurance
20544		Personal	Life Insurance
20549		Personal	Life Insurance
20555		Personal	Life Insurance
20561		Personal	Life Insurance
20726		Personal	Home Renovation
20802		Personal	Correspondence
20969		Personal	Dennis & Rita Cantor Living Trust
20975		Personal	Dennis & Rita Cantor Living Trust
20986		Personal	Dennis & Rita Cantor Living Trust
21005		Novex	Computer repair
21049	21085	Novex	Baxter
21138		Personal	Dennis & Rita Cantor Living Trust
21141	21160	Novex	Baxter
21162		Personal	Dennis & Rita Cantor Living Trust
21172		Personal	Dennis & Rita Cantor Living Trust
21437		Personal	Life Insurance

21608		Novex	Defined Benefit Pension Plan
21735		Personal	Home Renovation
21799		Novex	Defined Benefit Pension Plan
21805		Novex	Defined Benefit Pension Plan
21876		Novex	American Express Statement
21925		Personal	Life Insurance
21929		Personal	Life Insurance
21933		Personal	Life Insurance
22030		Personal	Life Insurance
22036		Personal	Life Insurance
22043		Personal	Life Insurance
22049		Personal	Life Insurance
22055		Personal	Life Insurance
22104	22107	Novex	Non-Disclosure Agreement
22129		Novex	Tax Return
22600	22718	Novex	Chay - Excelsior strip
23017	23052	Personal	Photos of former business associates
23056		Personal	Home Renovation
23203		Personal	Dennis & Rita Cantor Living Trust
23208		Personal	Dennis & Rita Cantor Living Trust
23357	22358	Personal	Life Insurance
23363		Personal	Life Insurance
23369		Personal	Life Insurance
23585		Personal	Dennis & Rita Cantor Living Trust
23599		Mother	Evelyn S. Cantor Trust
23694		Personal	Correspondence
23698		Personal	Correspondence
23760		Personal	Tax Return
23876		Personal	Life Insurance
23925		Personal	Correspondence
23955		Personal	Dennis & Rita Cantor Living Trust
23968		Personal	Dennis & Rita Cantor Living Trust
24248		Personal	Tax Return
24260		Personal	Dennis & Rita Cantor Living Trust
24334		Personal	Home Renovation
24377		Mother	Evelyn S. Cantor Trust
24391	24492	Novex	Attorney - Client
25061		Personal	Dennis & Rita Cantor Living Trust
25176		Personal	Correspondence
25228		Personal	Life Insurance
25233		Personal	Life Insurance
25238		Personal	Life Insurance
25455		Personal	Correspondence
25460		Novex	Defined Benefit Pension Plan
25465		Novex	Defined Benefit Pension Plan
25491		Personal	Dennis & Rita Cantor Living Trust
25496		Personal	Dennis & Rita Cantor Living Trust
25502		Personal	Dennis & Rita Cantor Living Trust
25519		Personal	Dennis & Rita Cantor Living Trust
25524		Personal	Dennis & Rita Cantor Living Trust
25743		Personal	Dennis & Rita Cantor Living Trust
25749		Personal	Dennis & Rita Cantor Living Trust
25760		Personal	Dennis & Rita Cantor Living Trust

25808	Personal	Dennis & Rita Cantor Living Trust
25814	Personal	Dennis & Rita Cantor Living Trust
25824	Personal	Dennis & Rita Cantor Living Trust
25845	Personal	Dennis & Rita Cantor Living Trust
25851	Personal	Dennis & Rita Cantor Living Trust
25859	Personal	Dennis & Rita Cantor Living Trust
25871	Personal	Dennis & Rita Cantor Living Trust
25878	Personal	Dennis & Rita Cantor Living Trust
25898	Personal	Dennis & Rita Cantor Living Trust
25933	Personal	Dennis & Rita Cantor Living Trust
25939	Personal	Correspondence
25947	Personal	Home Renovation
25956	Personal	Correspondence
26055	Personal	Tax Return
26064	Personal	Dennis & Rita Cantor Living Trust
26130	Novex	Dennis & Rita Cantor Living Trust
26134	Novex	Attorney - Client
26182	Novex	Attorney - Client
26184	Novex	Non-Disclosure Agreement
26192	Novex	Non-Disclosure Agreement
26336	Novex	Non-Disclosure Agreement
26343	Personal	Dennis & Rita Cantor Living Trust
26355	Personal	Dennis & Rita Cantor Living Trust
26422	Personal	Dennis & Rita Cantor Living Trust
26429	Novex	Non-Disclosure Agreement
26527	Novex	Non-Disclosure Agreement
26729	Novex	American Express Statement
26783	Novex	American Express Statement
26787	Novex	American Express Statement
26791	Novex	American Express Statement
26878	Novex	American Express Statement
26884	Personal	Home Renovation
26891	Personal	Home Renovation
26940	Personal	Home Renovation
26947	Novex	American Express Statement
27040	Novex	American Express Statement
27045	Personal	Dennis & Rita Cantor Living Trust
27071	Personal	Dennis & Rita Cantor Living Trust
27082	Novex	American Express Statement
27288	Novex	American Express Statement
27357	Personal	Correspondence
27402	Personal	Life Insurance
27408	Personal	Life Insurance
27415	Personal	Life Insurance
27438	Personal	Life Insurance
27444	Personal	Life Insurance
27507	Personal	Life Insurance
27513	Personal	Home Renovation
27519	Personal	Life Insurance
27529	Personal	Life Insurance
27574	Novex	Life Insurance
27585	Novex	Non-Disclosure Agreement
27589	Mother	Evelyn S. Cantor Trust
	Mother	Evelyn S. Cantor Trust

27603	Personal	Correspondence
27668	Personal	Correspondence
27692	Personal	Correspondence
27698	Mother	Evelyn S. Cantor Trust
27710	Mother	Evelyn S. Cantor Trust
27787	Mother	Evelyn S. Cantor Trust
27799	Mother	Evelyn S. Cantor Trust
27806	Personal	Life Insurance
27823	Novex	Defined Benefit Pension Plan
27863	Novex	Defined Benefit Pension Plan
27973	Novex	Tax Return
28017	Personal	Dennis & Rita Cantor Living Trust
28022	Personal	Dennis & Rita Cantor Living Trust
28024	Personal	Dennis & Rita Cantor Living Trust
28060	Novex	Tax Return
28103	Personal	Correspondence
28109	Personal	Correspondence
28115	Novex	Tax Return
28129	Novex	Defined Benefit Pension Plan
28162	Personal	Home Renovation
28269	Personal	Dennis & Rita Cantor Living Trust
28275	Personal	Dennis & Rita Cantor Living Trust
28279	Personal	Dennis & Rita Cantor Living Trust
28330	Personal	Dennis & Rita Cantor Living Trust
28336	Personal	Dennis & Rita Cantor Living Trust
28342	Personal	Dennis & Rita Cantor Living Trust
28349	Personal	Dennis & Rita Cantor Living Trust
28356	Personal	Dennis & Rita Cantor Living Trust
28362	Personal	Dennis & Rita Cantor Living Trust
28376	Personal	Correspondence
28393	Personal	Correspondence
28474	Personal	Dennis & Rita Cantor Living Trust
28479	Personal	Dennis & Rita Cantor Living Trust
28487	Personal	Dennis & Rita Cantor Living Trust
28524	Personal	Dennis & Rita Cantor Living Trust
28526	Personal	Dennis & Rita Cantor Living Trust
28528	Personal	Dennis & Rita Cantor Living Trust
28880	Personal	Dennis & Rita Cantor Living Trust
28886	Personal	Dennis & Rita Cantor Living Trust
28891	Personal	Dennis & Rita Cantor Living Trust
28898	Personal	Dennis & Rita Cantor Living Trust
28904	Personal	Dennis & Rita Cantor Living Trust
28906	Personal	Dennis & Rita Cantor Living Trust
28942	Personal	Dennis & Rita Cantor Living Trust
28948	Personal	Dennis & Rita Cantor Living Trust
28956	Personal	Dennis & Rita Cantor Living Trust
28992	Personal	Correspondence
29123	Personal	Home Renovation
29147	Mother	Evelyn S. Cantor Trust
29226	Personal	Life Insurance
29269	Personal	Life Insurance
29436	Novex	Defined Benefit Pension Plan
29442	Personal	Life Insurance

29479	Personal	Life Insurance
29492	Personal	Life Insurance
29605	Personal	Correspondence
29715	Personal	Life Insurance
29721	Personal	Life Insurance
29730	Personal	Life Insurance
29805	Personal	Correspondence
29816	Personal	Correspondence
29826	Novex	Correspondence
29856	Personal	Correspondence
30039	Personal	Correspondence
30596	Novex	American Express Statement
30806	Personal	Home Renovation
30875	Personal	Correspondence
30949	Personal	Life Insurance
30951	Personal	Life Insurance
30959	Personal	Life Insurance
31053	Personal	Correspondence
31590	Personal	Home Renovation
31595	Personal	Home Renovation
31599	Personal	Home Renovation
31950	Personal	Tax Return
31969	Novex	Tax Return
31977	Personal	Dennis & Rita Cantor Living Trust
32033	Novex	Defined Benefit Pension Plan
32526	Personal	Correspondence
32549	Novex	Non-Disclosure Agreement
33085	Novex	American Express Statement
33095	Novex	Defined Benefit Pension Plan
33100	Novex	Defined Benefit Pension Plan
33105	Novex	Defined Benefit Pension Plan
33141	Personal	Life Insurance
33146	Personal	Life Insurance
33148	Personal	Life Insurance
33276	Personal	Household Expenses
33508	Novex	Tax Return
33515	Novex	Tax Return
33561	Novex	Non-Disclosure Agreement
33589	Personal	Home Renovation
33731	Novex	Defined Benefit Pension Plan
33761	Novex	Home Renovation
33769	Personal	Home Renovation
33790	Personal	Home Renovation
33796	Personal	Home Renovation
33805	Personal	Home Renovation
33912	Personal	Home Renovation
33976	Novex	American Express Statement
34180	Personal	Home Renovation
34186	Personal	Home Renovation
34197	Personal	Correspondence
34216	Personal	Home Renovation
34246	Novex	Non-Disclosure Agreement
34332	Personal	Correspondence

34670	34681	Novex	Non-Disclosure Agreement
34684		Novex	Non-Disclosure Agreement
34688		Novex	Non-Disclosure Agreement
34837		Personal	Tax Return
35030		Novex	Non-Disclosure Agreement
35061		Personal	Correspondence
35284	35308	Personal	General Ledger
35309	35475	Personal	General Ledger
35476	35538	Personal	Receipts
35539	35774	Novex	Receipts
35775	35998	Novex	American Express Statement
35999	36022	Novex	American Express Statement
36023	36070	Novex	Defined Benefit Pension Plan
36071	36084	Novex	Tax Return
36085	36121	Novex	Defined Benefit Pension Plan
36122	36200	Personal	Bank Statements
36206	36234	Novex	Receipts
36235	36262	Personal	Tax Return
36263	36390	Novex	Payroll
36391	36611	Personal	Receipts
36612	37166	Personal	Receipts
37167	37263	Personal	Bank Statements
37264	37299	Novex	Defined Benefit Pension Plan
37300	37336	Personal	Tax Return
37337	37376	Personal	Tax Return
37377	37405	Personal	Tax Return
37406	37425	Personal	Tax Return
37426	37454	Personal	Tax Return
37455	37488	Personal	Tax Return
37489	37515	Personal	Tax Return
37516	37551	Personal	Tax Return
37552	37585	Personal	Tax Return
37586	37604	Personal	Tax Return
37605	37627	Personal	Tax Return
37628	37674	Personal	Tax Return
37675	37692	Personal	Tax Return
37693	37733	Personal	Tax Return
37734	37751	Personal	Tax Return
37752	37774	Personal	Tax Return
37775	37786	Personal	Tax Return
37787	37807	Personal	Tax Return
37808	37838	Personal	Tax Return
37839	37871	Personal	Tax Return
37872	37991	Personal	Divorce
38140		Novex	Tax Return
38505	38690	Novex	Corporate Records
38913		Novex	Tax Return
39701		Novex	Non-Disclosure Agreement
39758		Personal	Home Renovation
39764		Personal	Correspondence
40456	40460	Novex	General Ledger

Computer Files Index

All of the hard drives seized from Defendants were identical or substantially identical in contents. As such, the following instructions shall apply to all hard drives seized from Defendants, including a desktop computer, a laptop computer, at least three external hard drives, and any other hard drives seized by Plaintiffs, and all copies thereof.

The following computer files are found under the “My Computer” heading on the “C:” drive of the hard drives seized from Defendants. These files have been identified by Defendants as being outside the scope of the Seizure Order, and shall be permanently deleted from all copies of Defendants’ hard drives that may be in the possession of any party to this matter.

NOVEX FOLDER

Accounting Sub-Folder

Delete all folders and files contained in Accounting Sub-Folder.

Finance Sub-Folder

Delete all folders and files contained in Finance Sub-Folder.

Insurance Sub-Folder

Delete all folders and files contained in Insurance Sub-Folder.

Legal Sub-Folder

Delete all folders and files contained in Legal Sub-Folder.

Office Sub-Folder

Delete all folders and files contained in Office Sub-Folder.

Sales Sub-Folder

Delete all folders and files contained in Sales.

WTCSD Sub-Folder

Delete all folders and files contained in WTCSD.

Files Not in Sub-Folders

Delete all other files under NOVEX FOLDER not contained in a sub-folder.

CHAOS DATA FOLDER

T&C Julian Sub-Folder.

Delete all data. Personal & family information only.

CONSUMER GOODS FOLDER

Delete all folders and files contained in CONSUMER GOODS Folder.

DIABETES FOLDER

Delete all folders and files contained in DIABETES Folder.

EFAX MESSENGER 4.3 FOLDER

Delete all folders and files contained in EFAX MESSENGER 4.3 Folder.

FAMILY FOLDER

Delete all folders and files contained in FAMILY Folder.

FOODS FOLDER

Delete all folders and files contained in FOODS Folder.

MEDICAL FOLDER

Delete all folders and files contained in MEDICAL Folder.

MY ALBUMS FOLDER

Delete all folders and files contained in MY ALBUMS Folder.

MY BOOKS FOLDER

Delete all folders and files contained in MY BOOKS Folder.

MY EBOOKS FOLDER

Delete all folders and files contained in EBOOKS Folder.

MY MUSIC FOLDER

Delete all folders and files contained in MY MUSIC Folder.

MY PAPERPORT FOLDER

Delete all folders and files contained in MY PAPERPORT Folder.

MY PICTURES FOLDER

Delete all folders and files contained in MY PICTURES Folder.

MY VIDEOS FOLDER

Delete all folders and files contained in MY VIDEOS Folder.

QUICKBOOKS DATA FOLDER

Delete all folders and files contained in QUICKBOOKS DATA Folder.

RITA'S FOLDER

Delete all folders and files contained in RITA'S Folder.

SYMANTEC FOLDER

Delete all folders and files contained in SYMANTEC Folder.

SYNCTOYDATA FOLDER

Delete all folders and files contained in SYNCTOYDATA Folder.

EXHIBIT B

Breakdown of Documents Identified by Plaintiffs For Retention

The following list represents a breakdown of documents previously identified by Defendants for return or destruction which Plaintiffs have requested the right to retain. This catalog excludes the general ledger and bank account documents identified by Plaintiffs, a small portion of which may be within the scope of the Seizure Order. All documents listed below are outside the scope of the Seizure Order.

<u>Documents Outside Scope of Seizure Order</u>	<u>Description</u>
5071-5356	General Payroll
10167-10633	Receipts – include medical records noted below
10194	Medical Record Rita Cantor
10195	Medical Record Rita Cantor
10212	Medical Record Rita Cantor
10213	Medical Record Rita Cantor
10213	Medical Record Rita Cantor
10213	Medical Record Rita Cantor
10213	Medical Record Rita Cantor
10213	Medical Record Rita Cantor
10214	Medical Record Rita Cantor
10215	Medical Record Rita Cantor
10216	Medical Record Rita Cantor
10217	Medical Record Rita Cantor
10218	Medical Record Rita Cantor
10219	Medical Record Dennis Cantor
10221	Medical Record Dennis Cantor
10222	Medical Record Rita Cantor
10224	Medical Record Rita Cantor
10274	Medical Record Rita Cantor
10276	Medical Record Rita Cantor
10304	Medical Record Rita Cantor
10305	Medical Record Rita Cantor
10307	Medical Record Rita Cantor
10333	Medical Record Rita Cantor
10334	Medical Record Rita Cantor
10335	Medical Record Rita Cantor
10336	Medical Record Rita Cantor
10337	Medical Record Rita Cantor
10339	Medical Record Rita Cantor
10340	Medical Record Rita Cantor
10341	Medical Record Rita Cantor
10342	Medical Record Rita Cantor
10344	Medical Record Rita Cantor
10345	Medical Record Rita Cantor
10347	Medical Record Rita Cantor
10348	Medical Record Laurl Cantor
10373	Medical Record Rita Cantor
10374	Medical Record Rita Cantor
10375	Medical Record Rita Cantor
10376	Medical Record Rita Cantor
10377	Medical Record Rita Cantor
10378	Medical Record Rita Cantor
10381	Medical Record Rita Cantor
10383	Medical Record Rita Cantor
10413	Medical Record Rita Cantor
10414	Medical Record Rita Cantor
10415	Medical Record Rita Cantor

10417	Medical Record Rita Cantor
10418	Medical Record Rita Cantor
10419	Medical Record Rita Cantor
10421	Medical Record Laural Cantor
10423	Medical Record Laural Cantor
10424	Medical Record Laural Cantor
10425	Medical Record Rita Cantor
10427	Medical Record Rita Cantor
10428	Medical Record Rita Cantor
10457	Medical Record Rita Cantor
10458	Medical Record Rita Cantor
10459	Medical Record Rita Cantor
10460	Medical Record Rita Cantor
10461	Medical Record Rita Cantor
10462	Medical Record Rita Cantor
10463	Medical Record Laural Cantor
10465	Medical Record Laural Cantor
10466	Medical Record Rita Cantor
10467	Medical Record Rita Cantor
10468	Medical Record Rita Cantor
10469	Medical Record Rita Cantor
10470	Medical Record Rita Cantor
10471	Medical Record Rita Cantor
10473	Medical Record Dennis Cantor
10475	Medical Record Rita Cantor
10477	Medical Record Rita Cantor
10503	Medical Record Rita Cantor
10504	Medical Record Rita Cantor
10505	Medical Record Rita Cantor
10506	Medical Record Rita Cantor
10507	Medical Record Rita Cantor
10511	Medical Record Rita Cantor
10512	Medical Record Rita Cantor
10516	Medical Record Rita Cantor
10517	Medical Record Rita Cantor
10519	Medical Record Eva & Laural Cantor
10519	Medical Record Rita Cantor
10520	Medical Record Rita Cantor
10522	Medical Record Rita Cantor
10555	Medical Record Rita Cantor
10557	Medical Record Rita Cantor
10558	Medical Record Rita Cantor
10559	Medical Record Eva Cantor
10561	Medical Record Eva Cantor
10563	Medical Record Eva Cantor
10566	Medical Record Dennis Cantor
10568	Medical Record Rita Cantor
10595	Medical Record Rita Cantor
10596	Medical Record Rita Cantor
10597	Medical Record Rita Cantor
10598	Medical Record Rita Cantor
10599	Medical Record Rita Cantor
10600	Medical Record Rita Cantor
10614	Medical Record Rita Cantor
10615	Medical Record Rita Cantor
10616	Medical Record Rita Cantor
10618	Medical Record Rita Cantor
10629	Medical Record Rita Cantor
10631	Medical Record Rita Cantor

22104 - 22107	Non-Disclosure Agreement
26182	Non-Disclosure Agreement
26184	Non-Disclosure Agreement
26192	Non-Disclosure Agreement
26422	Non-Disclosure Agreement
26429	Non-Disclosure Agreement
35539-35774	Receipts – include medical records noted below
35583	Medical Record Rita Cantor
35584	Medical Record Rita Cantor
35585	Medical Record Rita Cantor
35586	Medical Record Rita Cantor
35612	Medical Record Rita Cantor
35614	Medical Record Rita Cantor
35630	Medical Record Rita Cantor
35639	Medical Record Dennis Cantor
35641	Medical Record Rita Cantor
35643	Medical Record Dennis Cantor
35645	Medical Record Rita Cantor
35685	Medical Record Rita Cantor
35687	Medical Record Rita Cantor
35690	Medical Record Rita Cantor
35692	Medical Record Rita Cantor
35693	Medical Record Rita Cantor
35694	Medical Record Rita Cantor
35696	Medical Record Dennis Cantor
35698	Medical Record Rita Cantor
35701	Medical Record Rita Cantor
35703	Medical Record Rita Cantor
35704	Medical Record Rita Cantor
35706	Medical Record Rita Cantor
35707	Medical Record Rita Cantor
35726	Medical Record Eva Cantor
35728	Medical Record Eva Cantor
35730	Medical Record Eva Cantor
35741	Medical Record Rita Cantor
35743	Medical Record Rita Cantor
35744	Medical Record Rita Cantor
35751	Medical Record Rita Cantor
35753	Medical Record Rita Cantor
35754	Medical Record Rita Cantor
35755	Medical Record Rita Cantor
35759	Medical Record Rita Cantor
35761	Medical Record Dennis Cantor
35765	Medical Record Rita Cantor
35767	Medical Record Dennis Cantor
35768	Medical Record Rita Cantor
35769	Medical Record Laural Cantor
35771	Medical Record Laural Cantor
35773	Medical Record Laural Cantor
36263-36390	General Payroll
38505-38690	Incorporation Records